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09/449,321	11/24/1999	GREGG A. BONIKOWSKI	XER20308-D/9	6134

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EXAMINER

FOSTER, JUSTIN B

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 02/10/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/449,321

Applicant(s)

BONIKOWSKI ET AL.

Examiner

Justin Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 10-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski, *et al.* (5,164,842) in view of Willard, *et al.* (3,936,180) in further view of Austin, *et al.* (5,488,223). With regard to claim 1, Gauronski discloses a method for producing interrupting jobs for a document processing apparatus comprising a plurality of machine modules for processing and/or producing printed media; see figures 1-3 for a depiction of said apparatus. The method disclosed by Gauronski comprises the following steps, which are the same as the steps of the claimed invention. The main job is specified, as described in lines 65 of column 5 through 4 of column 6, where disclosed Job Scorecard of said main job inherently represents a measure of progress. The production of the main job is started as described in lines 22 through 31 of column 6. The interrupting of the main job at a point when productivity is maintained and media is not wasted based on the at least one measure of progress and the specified sample interval is described in lines 35 through 52 of column 7. The interrupting job is produced, as described in lines 53 through 60 of column 7. Lastly, the main job is resumed, as described in lines 4 through 9 of column 8. Gauronski does not disclose specifying a sample job including at least one representative part of the main job or specifying a sample interval for the at least one

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representative part. Willard teaches, in lines 60 of column 1 through 12 of column 2, a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then the main job is restarted. Said sample page is inherently a representative part of the main job to be sampled. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gauronski so that the interrupting job was specified as a sample job including at least one representative part of the main job. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements. Austin teaches, in lines 26-32 of column 10, that a sample can be output at predetermined intervals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify a sample interval for the at least one representative part. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements.

3. With regard to claim 4, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 1. Austin's disclosure of outputting a sample at a predetermined interval inherently includes the step of measuring an interval for the sample, or representative part and determining if the interval has elapsed since this is a necessary step to outputting a sample at a predetermined interval. Willard's disclosure of printing a sample page inherently includes the step of generating a sample job since this is necessary in order to print the sample page. It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure an interval for each specified representative part, determine if the specified sample interval has elapsed for any of the specified representative parts and generate a sample job specification corresponding to any representative part for which the specified sample interval

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has elapsed. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements.

4. With regard to claim 5, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 4. Austin further discloses, in lines 31-32 of column 10, the specification of a sample interval "such as every tenth output image". It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the sample interval in the number of copies produced in the main job. This would allow for print quality to be periodically checked without printing an excessive number of sample jobs.

5. With regard to claim 6, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 4. Austin further discloses, in lines 30-31 of column 10, the sample interval as being measured "at predetermined periods of time, such as every five minutes". It would have been obvious to one of ordinary skill in the art at the time the invention was made for the interval to be measured in main job run time. This would allow for the sample jobs not to be output more frequently than is necessary.

6. With regard to claim 10, Gauronski discloses, in a document processing apparatus including a plurality of machine modules that process and/or produce printed media, a method comprising the following steps. The step of specifying a job is disclosed in lines 54 of column 5 through 4 of column 6. The step of producing the job is disclosed in lines 22-31 of column 6. The step of generating an interrupting job description is disclosed in lines 66 of column 6 through 16 of column 7. The steps of presenting the interrupting job description for processing and analyzing the interrupting job description are inherent in the process of creating and printing an interrupting job. The step of determining an efficient point in the job to produce the samples

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is disclosed in lines 35-52 of column 7. The step of interrupting the main job at an efficient point is disclosed in lines 53-57 of column 7. The step of processing the interrupting job description to produce the sample is disclosed in lines 57-60 of column 7. The step of resuming the main job is disclosed in lines 4-9 of column 8. Gauronski does not disclose the steps of specifying which parts are representative, specifying a sample interval for each of the representative parts of the job, and measuring intervals for each of the specified representative parts. Willard teaches, in lines 60 of column 1 through 12 of column 2, a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then the main job is restarted. Said sample page is inherently a representative part of the job and its selection for printing is inherently the specification of which parts of the job are representative. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify which parts of a job are representative in order to only print said representative parts. Austin teaches, in lines 26-32 of column 10, that an output can be sampled at a predetermined sample interval. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify a sample interval for each of the representative parts of the job and to measure intervals for each of the specified representative parts and generate the interrupting job when a particular interval is reached. This would allow for the sample job to be printed only as often as was desired by the user.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski, Willard and Austin, as applied to claim 1 above, and in view of Van Lydegraf (6,011,940). The combination of Gauronski, Willard and Austin discloses the invention as stated in claim 1. Van Lydegraf teaches, in lines 13-25 of column 3, the use of an exit system wherein an interrupting

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job is output to a different exit port than an interrupted main job. This would deliver the interrupting job at a convenient location apart from the main job delivery location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gauronski, Willard and Austin so that the interrupting job was delivered at a convenient location apart from the main job delivery location. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

8. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Van Lydegraf in further view of Willard in further view of Austin. With regard to claim 11, Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster does not teach a plurality of document collection points with at least one document collection point designated as a sample job delivery point wherein the at least one computing platform is operative to receive a job specification, a representative part specification and a sample interval specification and to control the plurality of machine modules to produce a job according to the received job specification and to produce samples according to the representative part specification at intervals determined by the sample interval specification. Van Lydegraf teaches, in lines 13-25 of column 3, the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document collection points attached to at least one of the machine modules with at least one collection point designated as a sample job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom. Willard further teaches, in lines 60 of column 1 through 12 of column 2, a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then the main job is restarted. Said sample page is inherently a representative part of the main job to be sampled. Austin teaches, in lines 26-32 of column 10, that a sample can be output at predetermined intervals. It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the at least one computing platform is operative to receive a job specification, a representative part specification and a sample interval specification and to control the plurality of machine modules to produce a job according to the received job specification and to produce samples according to the representative part specification at intervals determined by the sample interval specification. This would permit the document processing apparatus to be periodically monitored to test the printing quality of the image creating elements.

9. With regard to claim 13, the combination of Webster, Van Lydegraf, Willard and Austin discloses the invention as stated in claim 11. Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing

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platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster further discloses one machine module, element 218, as being a feeder device and one machine module, element 220, as being a finishing device. Webster does not teach a plurality of document collection points with at least one document collection point designated as an interrupting job delivery point. Van Lydegraf teaches, in lines 13-25 of column 3 the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document collection points attached to at least one of the machine modules with at least one collection point designated as an interrupting job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

10. With regard to claim 14, the combination of Webster, Van Lydegraf, Willard and Austin discloses the invention as stated in claim 11. Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster further discloses one machine module, element 216, as being a marker. Said marker inherently acts as a print engine. Webster does not teach a plurality of document collection points with at least one document collection point

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designated as an interrupting job delivery point. Van Lydegraf teaches, in lines 13-25 of column 3 the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document collection points attached to at least one of the machine modules with at least one collection point designated as an interrupting job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, Van Lydegraf, Willard and Austin, as applied to claim 11 above, and in further view of Gauronski. The combination of Webster, Van Lydegraf, Willard and Austin discloses the invention as stated in claim 11. Webster further teaches the use of a mark facility controller as the computing platform controlling the machine modules. Webster does not teach the use of a digital front end in communication with said mark facility controller. Gauronski teaches, as shown in figure 1, elements 52, 62, 64 and 66, the use of a digital front end to the printing system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital front end in communication with the mark facility controller of Webster as the computing platform controlling the machine modules. This would allow for ease of entry of print information by the operator.

Response to Arguments

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12. Applicant's arguments filed 11/19/03 have been fully considered but they are not persuasive. Applicant argues that the "Job Score Card" of Gauronski is not a measure of progress. However, in Figure 7 of the reference, the Job Scorecard 152 can be seen to contain a setting for quantity, which is inherently a measure of progress. Therefore this argument is not persuasive.

13. Applicant argues that Gauronski does not disclose or suggest a job specification for producing proof or sample jobs on an ongoing basis. However, Gauronski in view of Willard and Austin does meet this claim limitation and this argument is, therefore, not persuasive.

14. Applicant argues that Willard's disclosure of a sample print button is not a suggestion of specifying an interrupting job as claimed. However, Willard does teach interrupting a main job to print a sample page, which is inherently an interrupting job. Therefore, this argument is not persuasive.

15. Applicant argues that Austin is not analogous art. However, Austin discloses a method for selecting printer control parameters. As such, both Austin and the claimed invention are related to the printer art and this argument is, therefore, not persuasive.

16. Applicant argues that Austin does not suggest outputting a sample job. However, Austin teaches sampling the output at predetermined intervals, which is inherently the outputting of a sample job. Therefore, this argument is not persuasive.

17. With regard to the rejection of claim 1, applicant argues that the Job Scorecard of Gauronski is not a measure of progress. However, this argument has been rebutted in paragraph 12 above. Applicant further argues that Gauronski does not disclose a sample interval for the at least one representative part or interrupting a main job based on at least one measure of progress

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and the specified sample interval as disclosed in the amended claim 1. However, the rejections using additional references from claims 2 and 3 have been incorporated into the rejection of claim 1 since Applicant incorporated claimed material from claims 2 and 3 into claim 1.

Applicant further argues that Willard does not disclose specifying a sample job comprising a component part of the main job. However, the diverted sample page of Willard is inherently a component part of the main job since it is taken as a page from the main job. Applicant further argues that Austin does not suggest generating sample jobs based on a predefined interval.

However, Austin discloses, in lines 27-33 of column 10, sampling an output at a predetermined interval. For the reasons set forth in this paragraph, Applicant's arguments are not persuasive and the rejection of claim 1 is maintained with the addition of the basis of rejections for claims 2 and 3 to cover the claim limitations from claims 2 and 3 that were added to claim 1.

18. With regard to the rejection of claim 4, applicant argues that Austin does not disclose outputting a sample. However, that argument has been rebutted in the preceding paragraph. Applicant further argues claim 4 specifies generating a sample job specification rather than a sample job. However, it is inherent that a specification must be specified before any job can be produced. Applicant further argues Willard does not disclose or suggest generating a sample job. However, this argument has been addressed above in the preceding paragraph. Therefore, the rejection of claim 4 is maintained.

19. With regard to the rejection of claim 10, applicant argues that the diverted page of Willard is not inherently a representative part of the job. However, as a page taken directly from the job, it is a representative part of the job. Applicant further argues that the diversion of a page from a main print job is not inherently the specification of a part of a job that is representative.

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However, as stated above, the diverted page is taken directly from the main job, making it representative of the job. And a specification is inherently defined before the sample page can be printed. Applicant further argues that Austin does not disclose or suggest producing a sample print job at a predetermined interval. However, this argument has been rebutted in the preceding paragraph. Therefore, the rejection of claim 10 is maintained.

20. Applicant argues that claim 9 should be allowable since it depends from claim 1.

However, the rejection of claim 1 has been maintained and, subsequently, the rejection of claim 9 is maintained as well.

21. Applicant argues that claim 11 has been amended to make it allowable. However, additional teaching references have been added to the above rejection of claim 11 to cover the new limitations. As such, the rejection of claim 11 is maintained.

22. Applicant argues that claims 12-14 are allowable since they depend from claim 11.

However, the rejection of claim 11 has been maintained and, therefore, the rejections of claims 12-14 are maintained as well.

Conclusion

23. Applicant's amendment to claim 11 necessitated the new ground(s) of rejection presented in this Office action. All other rejections are repeated from the first office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Foster whose telephone number is (703)305-1900. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

JF


DAVID MOORE
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